IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1558 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SAIYED MUSTUFAALI KASAMALI

Versus

SAIYED GULAMRASUL HASANALI AND ANOTHER

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Appearance :
MR PRAKASH K JANI for the applicant.
MR HM PARIKH for opponent No.1

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 06/03/2006

ORAL JUDGMENT

The petitioner herein is original plaintiff of Regular Civil Suit No.

60 of 1998 pending before Civil Judge, Junior Division, Kadi. The said suit is filed for a permanent injunction restraining the defendants from putting up any construction on the northern side of Survey No. 2009 land situated at Nandasan, Taluka Kadi, belonging to the plaintiff. In the said suit, the plaintiff also gave an application, exh.5, for inunction. The learned trial Judge held that there is no prima facie case in favour of the plaintiff, and therefore, by order dated 20.02.99, rejected the application for injunction. Against the said order passed by the Civil Judge, Junior Division, Kadi, the plaintiff preferred Civil Misc. Appeal No. 55 of 1999 before the District Court. Joint District Judge, Mehsana, by his judgment and order dated 28.09.99 dismissed the appeal and confirmed the order passed by the trial Court against which the original plaintiff has preferred the present Revision Application.

At the time of hearing of this Revision Application, both the learned advocates jointly request that this Revision Application may be disposed of by giving a direction to the trial Court to dispose of the suit within a specified time frame.

Mr. Jani, however, further submitted that since status quo is in force since filing of the suit throughout, the same may be continued in the interest of justice till the final disposal of the suit. He further states that the petitioner shall also maintain statusquo till the final disposal of the suit. Mr. Parikh submitted that though according to him there is no prima facie case in favour of the plaintiff, if appropriate direction is given for disposal of the suit at the earliest, his client shall maintain status quo till the suit is finally disposed of. He further stated that he is giving this concession not because there is any prima facie case in favour of the

plaintiff but in order to see that the pending suit can be disposed of on merits.

In view of the aforesaid consensus and consent, this Revision Application is disposed of with a direction to the Civil Judge, Junior Division, Kadi to dispose of Regular Civil Suit No. 60 of 1998 pending before him at the earliest possible and in any event before 31st December 2006. Both the learned advocates state that their respective clients will co-operate for early disposal of the pending suit. The statement of Mr. Parikh is also recorded that the defendant shall maintain status quo till the suit is finally disposed of. The statement of Mr. P,K. Jani that the plaintiff also shall maintain status quo till the suit is finally disposed of is also recorded. The Revision Application is accordingly disposed by directing the parties to maintain status quo till the final disposal of the suit. Rule is made absolute accordingly, with no order as to costs.

Registry is directed to send writ of this order forthwith.

[P. B. MAJMUDAR, J.]

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